

Remarks

This amendment is in response to the Office Action mailed on June 30, 2005. Claim 14 is being amended. In view of the following remarks and above amendments, Applicant respectfully requests reconsideration and allowance of claims 1-39.

In the Office Action, claims 1, 2, 9-13, 27-29, and 36-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ely et al. (U.S. Pat. No. 5,161,838) in view of DeWalch (U.S. Pat. No. 5,542,722). Ely et al. discloses a locking assembly including a housing member having a cavity formed therein. The cavity is open at one end and closed at an opposing end. A stud member including a head portion and a shank portion joined by a separable portion is received in the cavity through the open end. Upon separation of the head portion and the shank portion, the shank portion can be removed with difficulty only by pulling it back through the open end of the cavity. As a result, the locking assembly disclosed in Ely et al. is typically used only once and discarded.

DeWalch discloses a locking ring including a front housing portion and a rear housing portion. Each housing portion includes a hole which receives a lock barrel that engages a groove formed in an interior wall of one of the holes. The lock barrel engages the groove to prevent any portion of the lock barrel from being removed from the holes.

The invention claimed in claim 1 and amended claim 27 includes a housing member having a through hole with an insertion end and an exit end. A stud member received in the through hole through the insertion end engages a retention member disposed in the through hole. Upon separation of the head portion and the shank portion, the retention member allows the shank portion to pass out of the through hole through the exit end. As a result, the locking assembly claimed in claim 1 and amended claim 27 is easily reused by providing a new stud member (See paragraph [0044]).

The Office Action acknowledges that Ely et al. does not disclose a housing member having a through hole with an insertion end and an exit end. DeWalch is cited in the Office Action for disclosing a through hole extending through a housing member. The Office Action, asserts that it would have been obvious to one with ordinary skill in the art at the time the invention was made to utilize the ring member of DeWalch with the locking assembly of Ely et al. in order to improve resistance to physical destruction.

DeWalch discloses a ring member having a mutually protective end configuration

which improves resistance to physical destruction by substantially eliminating prying points between components. (See DeWalch, col. 2, lines 13-15) DeWalch teaches that a mutually protective end configuration includes covering the seam between front and rear housing portions by the ends of the split ring material, protecting internal lips of the split ring wall portions with external grooves in the housing portions, protecting the front and rear faces of the housing portions, and providing complementary serrations on the ends of the split ring. (See DeWalch, col. 3, lines 20-36) Nothing in DeWalch suggests that a through hole having an insertion end and an exit end contributes anything to the objective of providing a ring member having a mutually protective end configuration. Accordingly, the desire to improve resistance to physical destruction does not provide any motivation to modify Ely et al. and form a through hole having an insertion end and exit end through the housing.

Even if the locking assembly of Ely et al. is combined with the ring member of DeWalch, the combination will not result in the claimed invention. The locking assembly of Ely et al. includes the housing member 2 and stud member 30. (See Ely et al., col. 2, line 62 0 col. 3, line 12) The ring member of DeWalch includes the annular split ring portion 10, the front housing portion 70, and the rear housing portion 90. (See DeWalch, col. 3, lines 64-66) The holes formed through the front and rear housing portions 70, 90 of DeWalch are aligned to receive a locking assembly, such as a lock barrel 120. Combining the locking assembly of Ely et al. with the ring member of DeWalch will result in replacing the lock barrel of DeWalch with the housing member and stud member of Ely et al. without any modifications to the housing member of Ely et al. As a result, the housing member of Ely et al. will continue to include a cavity for receiving the stud member, as opposed to the through hole having an insertion end and an exit end, as claimed in claim 1 and amended claim 27 of the present application.

As discussed above, neither Ely et al. nor DeWalch provides any motivation to modify Ely et al., such that the housing member includes a through hole having an insertion end and an exit end. Moreover, utilizing the ring member of DeWalch with the locking assembly of Ely et al. does not result in the invention claimed in claim 1 and amended claim 27. combining Claim 27 is being amended to include a housing having an exit end. Claims 2, 9-13, 28, 29, and 36-39 depend from one of claims 1 and 27, which are believed allowable. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1, 2, 9-

13, 27-29, and 36-39 under 37 CFR 103(a).

In the Office Action, claims 14, 16-20, 25, and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ely et al., as applied to claims 1, 2, 9-13, 27-29, and 36-39, and further in view of Mattress, Jr. (U.S. Pat. No. 4,226,102). The Office Action asserts that it would have been obvious to one with ordinary skill in the art at the time of the invention was made to apply the seal of Mattress, with a tab and indicia, through the head and shank portions of Ely et al., by threading the wire of the seal through the head portion, covering the head portion, in order to indicate if an attempt to tamper with the lock has been made. Applicant respectfully disagrees.

The seal 18 disclosed in Mattress, Jr. includes a wire threaded through a hole formed through a lock pin. The hole is formed through the lock pin between the head portion and distal end of the lock pin. Ends of the wire are joined by a material that is deformed to separate the wire ends and allow removal of the wire from the hole formed through the lock pin. The deformation of the material joining the wires, missing wires, or cut wires indicate tampering. Nothing in Mattress, Jr. suggests that the any part of the seal cover the head portion of the lock pin.

Claim 14 includes the limitation of a seal covering a head portion of the stud member, such that the seal is permanently deformed upon breaking of the separable portion of the stud member. As discussed above, Mattress, Jr. does not disclose or suggest a seal that covers the head portion of a stud member. Therefore, the combination of Ely et al. and Mattress, Jr. does not disclose or suggest the invention claimed in claim 14 of the present application. Claims 16-20, 25, and 26 depend from claim 14 which is believed allowable. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 14, 16-20, 25, and 26 under 35 U.S.C. §103(a).

In the Office Action, claims 3-8, 15, 21-24, and 30-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ely et al. and DeWalch, as applied to claims 1, 2, 9-13, 27-29, and 36-39, and further in view of Mattress, Jr. As discussed above, Claims 1 and 27 are believed allowable over Ely et al. and DeWalch which fail to provide any motivation to provide a through hole having an insertion end and an exit end in a housing for receiving a stud member. Mattress, Jr. does not satisfy this deficiency. Claims 3-8, 15, 21-24, and 30-35 depend from one of claims 1 and 27. Accordingly, Applicant respectfully requests the

withdrawal of the rejection of claims 3-8, 15, 21-24, and 30-35 under 35 U.S.C. §103(a).

In view of the above remarks and amendment to claim 27, Applicant respectfully requests reconsideration and allowance of claims 1-39. No additional fees for filing this response are believed to be due. However, if such fees are due, the Commissioner is hereby authorized to charge them to deposit account no. 17-0055.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. G. Radler', written over a horizontal line.

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